

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT FERGUSON, §
§
Plaintiff, §
§
v. § Civil Action No. 3:21-CV-01576-E
§
§
SERVICENOW, INC., §
§
§
Defendant. §

ORDER COMPELLING ARBITRATION

Plaintiff Robert Ferguson filed this action against his former employer, Defendant ServiceNow, Inc. Ferguson asserts claims for age discrimination, retaliation, and hostile environment under the Age Discrimination in Employment Act and the Texas Commission on Human Rights Act. On October 21, 2021, the parties filed a Joint Status Update Regarding Arbitration Agreement (Doc. 14). Ferguson and ServiceNow agree they are required to arbitrate all of Ferguson's claims pursuant to an arbitration agreement.

The Federal Arbitration Act provides for a stay pending arbitration. *See* 9 U.S.C. § 3. When all claims are subject to arbitration, however, a court may dismiss an action with prejudice rather than stay it. *Alford v. Dean Witter Reynolds, Inc.*, 975 F.2d 1161, 1164 (5th Cir. 1992). This is so because “[a]ny post-arbitration remedies sought by the parties will not entail renewed consideration and adjudication of the merits of the controversy, but would be circumscribed to judicial review of the arbitrator’s award in the limited manner prescribed by law.” *Id.* Because all of Ferguson’s claims against ServiceNow in this action are arbitrable, the Court compels the parties

to arbitration and dismisses Ferguson's claims with prejudice in favor of arbitration.

SO ORDERED; signed October 22, 2021.


Ada Brown
ADA BROWN
UNITED STATES DISTRICT JUDGE